

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

BOBBY V. PHARR

PLAINTIFF

v.

CIVIL ACTION NO. 1:21-cv-239-TBM-RPM

M. WEST *and* TROY A. CARPENTER

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [24] entered by United States Magistrate Judge Robert P. Myers on May 18, 2022. Judge Myers recommends that the Plaintiff's claims be dismissed without prejudice for failure to prosecute. In the Report and Recommendation, Judge Myers explains that the Plaintiff has been warned multiple times that it is his responsibility to keep his address up to date.

Between March 10, 2022 and May 25, 2022, the mail sent to Plaintiff at the address listed on the docket was returned as "undeliverable, not known—unable to forward" and "refused." [14], [15], [18], [23], [25], [26]. The Harrison County Sheriff's Department has advised that Plaintiff was released and he is no longer in custody. [24], pg. 1. In fact, as a result of not updating his address, the Plaintiff has not received the Report and Recommendation—which was entered two months ago. Due to the Plaintiff's failure to maintain a current address, Judge Myers recommends that the Plaintiff's claims be dismissed without prejudice for failure to prosecute. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.


"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b)

advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment). Having considered Judge Myers' Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [24] entered by United States Magistrate Judge Robert P. Meyers on May 18, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED the Plaintiff's claims are DISMISSED WITHOUT PREJUDICE.

THIS, the 22nd day of July, 2022.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE